

## **REMARKS**

The above listed claim amendments and the following remarks are believed fully responsive to the Final Office Action dated June 12, 2008.

By this response, claims 1, 20, 24, 32, 40, 41, 42, and 46 have been amended and claim 9 has been cancelled such that claims 1-8 and 10-46 remain pending in the Application.

### **Claim Amendments**

The claim amendments are supported throughout the application as filed, including, for example the paragraph at page 3, line 27 (describing extending/retracting); the paragraph at page 24, line 12 (describing external force concept); FIGS. 15, 19, and 20 (showing portions and relative positions of retractable screen assembly embodiments); and the paragraph at page 29, line 22 (describing a deflection bar).

### **Claim Rejections 35 U.S.C. § 102, 103**

Claims 24, 25, 27, and 28 stand rejected under § 102(b) as being anticipated by U.S. Patent 5,544,689 ("Wegner") and Claims 1, 2, 7-10, 12-23, 29, 30, and 32-46 stand rejected under § 103(a) as unpatentable over Wegner. Thus, each of the independent claims (claims 1, 20, 24, 32, 42, and 46) stands rejected as either anticipated or unpatentable over Wegner.

Claims 3, 4, 11, 26, and 31 stand rejected under § 103(a) as unpatentable over Wegner in view of U.S. Patent 6,618,998 ("Thomas"); Claim 5 stands rejected under § 103(a) as unpatentable over Wegner in view of U.S. Patent 6,082,432 ("Kissinger"); and Claim 6 stands rejected under § 103(a) as unpatentable over Wegner in view of Kissinger and U.S. Patent 5,787,952 ("Wegner '952").

Claim 1 relates, in part, to a retractable screen assembly attached to the door, the retractable screen assembly extending and retracting across an opening created by movement of the window sash. The retractable screen assembly includes a roller and a flexible screen positioned above the movable window sash and attached at a first end to the roller and at a second end to the movable window sash. A biasing mechanism applies a continuous torque to the roller, the torque supporting the window sash by generating an upward positioning force on the window sash equal to at least 50% of the force of gravity acting on the window sash, such

that the window sash can be retained at a desired location along the vertical channels. Once positioned, the moveable sash is retained at the desired location by the positioning force until acted on by an external force other than the force of gravity.

Wegner describes and shows screen material 16 attached to the bottom of window sash 44 in association with a constant-force spring 34 such that “[o]pening of the window causes the screen material 16 to be raised.” *See, e.g.*, Wegner col. 5, ll. 4-11 (emphasis added) and FIG. 1. Wegner states that “[t]he window remains open without the application of an extraneous device. The nature of the constant-force spring 34 provides for this [, the window remaining open], on windows with even a minimal resistance to movement.” *See, e.g.*, col. 5, ll. 48-51 (portions in brackets added for clarity). Although the Undersigned initially understood Wegner to implicate pulling down on the window sash 44 if modified to have spring 34 exert, e.g., at least 50% of the force of gravity, it is more appropriate to note that Wegner specifically teaches that the constant-force spring 34 should not exert a substantial force on the window sash 44, otherwise the window would be pulled closed. *See also, e.g.*, col. 2, ll. 25-27 (“This spring makes possible retraction of the screen material without itself pulling the window closed.”) (emphasis added). However, if Wegner were modified in the manner proposed in the Office Action, the window sash would most likely be very difficult to open (e.g., someone opening the window sash could have to overcome a force greater than the weight of the window sash) thereby rendering Wegner inoperable and/or unsatisfactory for its intended purpose. *See* MPEP § 2145(III)(X)(D).

In view of the foregoing, Wegner fails to teach, suggest, or otherwise provide for the limitations of claim 1 relating to the biasing mechanism applying an upward positioning force on the window sash equal to at least 50% of the force of gravity acting on the window sash, such that the window sash can be retained at a desired location along the vertical channels and once positioned, the moveable sash is retained at the desired location by the positioning force until acted on by an external force other than the force of gravity.

The remaining references are not cited for, nor are they believed to properly provide such limitations. For example, the inserts of Thomas are described as being supported by counterbalances, latches or frictional forces, but there is no provision for screen module 20 applying a positioning force to the inserts (*see, e.g.*, Thomas at col. 6, ll. 36-38); Wegner ‘952 describes a similar configuration to Wegner (*see, e.g.*, Wegner ‘952 at col. 6, ll. 11-17 and 48-

52); and Kissinger is directed to a screen panel that horizontally spans a door frame and thus has little to do with counteracting the weight of a window sash. *See, e.g.*, Kissinger at abstract.

In view of the foregoing, withdrawal of the rejection of claim 1 is respectfully requested. For at least reasons similar to those described above in association with claim 1, the limitations of independent claims 20, 32, 42, and 46 can be distinguished from the cited references and as such withdrawal of the rejection of those claims is respectfully requested.

Claim 24 relates, in part, to a retractable screen assembly including a deflection bar positioned adjacent the roller and engaging the flexible screen, the deflection bar providing a deflecting force to stretch the flexible screen tight and position the flexible screen in a desired plane. None of the references cited in the Office Action provide for a retractable screen according to the limitations of claim 24. For at least such reason, withdrawal of the rejection of claim 24 is respectfully requested.

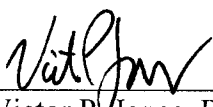
The remaining claims depend, in some form, from one of independent claims 1, 20, 24, 32, 42, or 46. For at least such reason, withdrawal of the rejection of those claims is respectfully requested.

### CONCLUSION

All pending claims are believed to be in condition for allowance. A notice to that effect is respectfully requested.

Respectfully submitted,

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